

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVANIR PHARMACEUTICALS, INC.,
AVANIR HOLDING COMPANY, AND
CENTER FOR NEUROLOGIC STUDY,

Plaintiffs,

v.

ACTAVIS SOUTH ATLANTIC LLC,
ACTAVIS, INC., PAR PHARMACEUTICAL,
INC., PAR PHARMACEUTICAL
COMPANIES, INC., IMPAX
LABORATORIES, INC., WOCKHARDT,
LTD., WOCKHARDT USA, LLC, WATSON
PHARMACEUTICALS, INC., WATSON
LABORATORIES, INC., AND WATSON
PHARMA, INC.,

Defendants.

C.A. No. 11-704-LPS
(CONSOLIDATED)

AVANIR PHARMACEUTICALS, INC.,

Plaintiff,

v.

ACTAVIS SOUTH ATLANTIC LLC AND
ACTAVIS, INC.,

Defendants.

C.A. No. 12-1122-LPS

AVANIR PHARMACEUTICALS, INC.,

Plaintiff,

v.

PAR PHARMACEUTICAL, INC. AND PAR
PHARMACEUTICAL COMPANIES, INC.,

Defendants.

C.A. No. 12-1123-LPS

AVANIR PHARMACEUTICALS, INC.,
Plaintiff,

v.

C.A. No. 12-1124-LPS

WATSON PHARMACEUTICALS, INC.,
WATSON LABORATORIES, INC., AND
WATSON PHARMA, INC.,
Defendants.

AVANIR PHARMACEUTICALS, INC.,
Plaintiff,

v.

C.A. No. 12-1125-LPS

WOCKHARDT, LTD. AND WOCKHARDT
USA, LLC,
Defendants.

AVANIR PHARMACEUTICALS, INC.,
Plaintiff,

v.

C.A. No. 12-1298

IMPAX LABORATORIES, INC.,
Defendant.

[PROPOSED] CONSOLIDATION STIPULATION AND ORDER

IT IS HEREBY STIPULATED by the parties to Civil Action No. 11-704-LPS and the parties to Civil Action Nos. 12-cv-01122, 12-cv-01123, 12-cv-01124, 12-cv-01125, and 12-cv-01298, subject to the approval of the Court, that:

- (1) these actions are consolidated for all purposes;
- (2) all papers shall be filed in Civil Action No. 11-704-LPS;
- (3) Plaintiffs shall respond to Defendants' counterclaims within 10 days of entry of this order; and

(4) the parties will comply with the Scheduling and Consolidation Orders (D.I. 32 and 103) and E-Discovery Plan (D.I. 59) entered in Civil Action No. 11-704-LPS, except as follows:

a. Rule 26(a)(1) Initial Disclosures. The parties shall make their initial disclosures related to U.S. Patent No. 8,227,484 (the “’484 patent”) pursuant to Federal Rule of Civil Procedure 26(a)(1) by **October 15, 2012**;

b. Infringement Contentions and Claim Chart. Plaintiffs shall specifically identify the accused products¹ and the asserted claim(s) of the ’484 patent that Defendants allegedly infringe by **October 15, 2012**;

c. Plaintiffs shall produce the file history for the ’484 patent pursuant to paragraph 4.a of the E-Discovery Plan;

d. Plaintiffs shall produce to each Defendant an initial claim chart showing where each limitation of each asserted claim is found in each accused product(s) pursuant to paragraph 4.c of the E-Discovery Plan by **October 26, 2012**; and

e. Invalidity Contentions. Defendants shall produce to Plaintiffs their initial invalidity contentions for each asserted claim of the ’484 patent, as well as the related invalidating references (e.g., publications, manuals, and patents) pursuant to paragraph 4.d of the E-Discovery Plan by **October 30, 2012**.

(5) The parties agree that, other than the ’484 patent file history, they will not seek any additional document or ESI discovery directed to the ’484 patent.

¹ For ease of reference, the word “product” encompasses accused methods and systems as well.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Maryellen Noreika

Jack B. Blumenfeld (#1014)
Maryellen Noreika (#3208)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
Tel: (302) 658-9200
jblumenfeld@mnat.com
mnoreika@mnat.com
*Attorneys for Plaintiffs Avanir
Pharmaceuticals, Inc., Avanir Holding
Company, and Center for Neurologic Study*

POTTER ANDERSON & CORROON LLP

/s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com
*Attorneys for Watson Pharmaceuticals, Inc.,
Watson Laboratories, Inc., and
Watson Pharma, Inc.*

PHILLIPS, GOLDMAN & SPENCE, P.A.

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pgslaw.com
Attorneys for Impax Laboratories, Inc.

PROCTOR HEYMAN LLP

/s/ Dominick T. Gattuso

Dominick T. Gattuso (#3630)
300 Delaware Avenue
Suite 200
Wilmington, DE 19801
Tel: (302) 472-7300
dgattuso@proctorheyman.com
*Attorneys for Actavis South Atlantic LLC and
Actavis, Inc.*

RICHARDS, LAYTON & FINGER P.A.

/s/ Steven J. Fineman

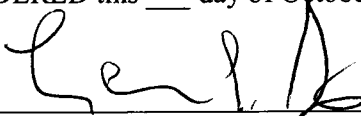
Frederick L. Cottrell, III (#2555)
Steven J. Fineman (#4025)
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
Tel: (302) 651-7700
cottrell@rlf.com
fineman@rlf.com
*Attorneys for Par Pharmaceutical, Inc. and
Par Pharmaceutical Companies, Inc.*

DUANE MORRIS LLP

/s/ Matt Neiderman

Matt Neiderman (#4018)
Benjamin A. Smyth (#5528)
222 Delaware Avenue
Suite 1600
Wilmington, DE 19801
(302) 657-4900
mneiderman@duanemorris.com
*Attorneys for Wockhardt, Ltd. and
Wockhardt USA, LLC*

SO ORDERED this ^{16th} day of October 2012.



J.